

1 Honorable Samuel J. Steiner  
2  
3  
4  
5

6 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

8 In re: ) Chapter 7  
9 ELECTRIC VEHICLE COMPONENTS, LLC, ) Bankruptcy No. 10-18150  
d/b/a EV Components, )  
10 Debtor(s). )  
11 In re: )  
12 ELECTRIC VEHICLE COMPONENTS, INC., )  
d/b/a EV Components, )  
13 Debtor(s). )  
14 )  
15 BANKRUPTCY ESTATE OF ELECTRIC ) Adversary No.  
16 VEHICLE COMPONENTS, LLC, by and )  
through Michael B. McCarty, Bankruptcy )  
Trustee, )  
17 Plaintiff, ) COMPLAINT FOR TURNOVER OF  
18 ) PROPERTY AND FOR RECOVERY  
v. ) OF PREFERENCE  
19 JAMES MORRISON and JANE DOE )  
20 MORRISON, husband and wife, and the )  
marital community comprised thereof, )  
21 )  
22 Defendant. )  
23 )

24 COMES NOW Michael B. McCarty, the trustee herein, through counsel, The Rigby Law  
Firm, and James Rigby and alleges as follows:

25 1. Plaintiff is the duly qualified and acting trustee in this case.

**COMPLAINT FOR TURNOVER OF  
PROPERTY AND FOR RECOVERY OF  
PREFERENCE**

100826gCmp Page 1

**THE RIGBY LAW FIRM**  
600 Stewart Street, Suite 1908  
Seattle, WA 98101 - (206) 441-0826

1           2. Defendants are residents of King County, Washington. The acts of defendant James  
2 Morrison were for the benefit of his community, which is liable therefor. Jane Doe Morrison is  
3 believed to be the spouse of James Morrison.

4           3. The court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§  
5 157 and 1334, 11 U.S.C. §§ 542, 547, 548 and 550, and Bankruptcy Rule 7001. This is a core  
6 proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (E), (F), (H) and (O). Venue in this court is  
7 proper under 28 U.S.C. §§ 1391 and 1409.

8           4. The trustee is informed and believes and therefore alleges that among the property  
9 of the estate are the following assets: computers, office equipment, other machinery and equipment,  
10 and inventory.

11           5. The trustee is informed and believes and therefore alleges that the property is under  
12 the control of the defendants, and that said property is property which the trustee may use, sell or  
13 lease pursuant to 11 U.S.C. § 363.

14           6. The trustee has demanded turnover of the property, but the defendants have refused  
15 to turn over the property.

16           7. The trustee is informed and believes and therefore alleges that said property has a fair  
17 and reasonable value in the amount of \$364,034.42, based upon the bankruptcy schedules signed  
18 under the penalty of perjury by defendant James Morrison.

19           8. On or after one year before the filing of the petition commencing this case, the debtor  
20 transferred to defendant James Morrison, an unsecured inside creditor, a security interest in the  
21 personal property.

22           9. Upon information and belief, said transfer was made for and on account of an  
23 antecedent debt owed by the debtor to the defendants.

24           10. At the time of said transfer, the debtor was insolvent.

25  
  
**COMPLAINT FOR TURNOVER OF  
PROPERTY AND FOR RECOVERY OF  
PREFERENCE**  
100826gCmp Page 2

**THE RIGBY LAW FIRM**  
600 Stewart Street, Suite 1908  
Seattle, WA 98101 - (206) 441-0826

11. The transfer referred to in the preceding paragraphs enabled the defendants to receive more than they would have received under Chapter 7 of the Bankruptcy Code if the transfer had not been made.

12. By reason of the foregoing, the defendants are liable to the plaintiff in the sum above stated, and for any other money or property transferred by the debtor to the defendants within one year prior to filing the petition, pursuant to 11 U.S.C. §§ 547 and 550.

13. By reason of the foregoing, should the defendants deny creditor status, the transfer of the security interest in assets as described above, and any additional funds or assets received within one year of the bankruptcy, are fraudulent conveyances and avoidable by plaintiff pursuant to §§ 548 and 550 of the Bankruptcy Code.

WHEREFORE, plaintiff prays for judgment as follows:

(a) that the defendants be ordered to surrender and deliver possession of the property of the estate described herein to plaintiff; or

(b) in the alternative, for a judgment in the amount stated above;

(c) avoiding the transfer of the security interest;

(d) for costs of suit incurred herein; and

(e) for such other and further relief as the court deems just and proper.

DATED this 26<sup>th</sup> day of August, 2010.

## THE RIGBY LAW FIRM

/S/ *James Rigby*

James Rigby, WSBA #9658  
Of Attorneys for Plaintiff/Trustee

**COMPLAINT FOR TURNOVER OF  
PROPERTY AND FOR RECOVERY OF  
PREFERENCE**

100826gCmp Page 3

**THE RIGBY LAW FIRM**  
600 Stewart Street, Suite 1908  
Seattle, WA 98101 - (206) 441-0826